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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,336	01/24/2002	Joseph E. Rock	1727 SPRI	3158

32423 7590 11/14/2005

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EXAMINER	
NGUYEN, CAO H	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/056,336	ROCK ET AL.	
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on August 19, 2005. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyao et al. (US Patent No. 6,466,237) in view of U.S. Patent No. 6,144,388 to Bornstein (hereinafter Bornstein).

Regarding claim 1 and 19, Bornstein teaches computer readable medium and a method in a computing environment for configuring images for display, the method comprising:

receiving a selection of a first component image, said first component image depicting a first component (i.e. picture of a person; col. 2, lines 53-55 and Fig. 1),

receiving a selection of a second component image, said second component image depicting a second component (i.e. picture of glasses; col. 4, lines 12-14 and Fig. 2A);

and creating a configured image (i.e. Fig. 2B), said configured image including said first component and said second component. See col. 2, line 46 – col. 3, line 20; however, Bornstein

fails to explicitly teach positioning, on a coordinate system, said first component image and said second component image.

Miyao discloses positioning, on a coordinate system, said first component image and said second component image (see col. 37, lines 25-64 and figure 80). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide positioning, on a coordinate system, said first component image and said second component image as taught by Miyao to the system of configuring for display image of Bornstein in order to display as many photo images associated with the file as possible in sizes that allow the user the to see and identify those photo images displayed on the display screen.

Regarding claims 2 and 20, said coordinate system of Bornstein is based upon an (X,Y) axis. See col. 3, line 16.

Regarding claims 3 and 21, said second image is overlaid on said first image in Bornstein. See Fig. 2B and col. 17, lines 5-17.

Regarding claims 4, 9, 13, 15, and 22, the first and second component images are photographs in Bornstein. See Fig. 4, 120, which shows that the input images may come from a digital camera.

Regarding claims 5 and 23, Bornstein teaches consulting a coordinate table to determine the coordinates of said first and second images. For example see col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30.

Referring to claims 6 and 24, Bornstein teaches consulting an image table to determine the component images necessary to make-up said configured image. For example, see col. 5, lines 11-39. Also, see col. 18, lines 1-17.

Referring to claim 7, Bornstein teaches a computer system having a processor (Fig. 3, 802), a memory (i.e. Fig. 3, 806) and an operating environment, the computer system operable to perform the steps recited in claim 1.

Claim 8 and 14 differ from claim 1 in that "a coordinate component which determines positions of said selected component images on a coordinate system, said position is being defined by (X, Y) coordinates; and a displaying component which arranges said selected component images on an (X, Y)" which read on Miyao (see col. 11, lines 40-67).

Referring to claims 10-11 and 16-17, Bornstein teaches a computer readable medium, computer system with a processor, memory, and an operating environment, and a method in a computing environment for configuring product images for display, the method comprising:

receiving a selection of a configured product image (i.e. picture of a person wearing glasses; i.e. col. 1, lines 10-36);

consulting a first data table to determine which of a variety of component images comprise said configured product image. For example, see col. 5, lines 11-39. Also, see col. 18, lines 1-17.

Bornstein teaches consulting a second data table to determine the coordinates on an (X,Y) axis of each component image that comprises the configured product image. For example see col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30.

Bornstein discloses displaying the configured product image by placing each component image at its corresponding coordinates on said (X,Y) axis. See Fig. 2B and col. 2, line 46 – col. 3, line 20. Also, see Fig. 9B.

Claim 12 , Bornstein teaches a computer system for displaying a configured graphical image, the computer system comprising:

a configuration component which determines which of a plurality of component images comprise the configured image (i.e. col. 5, lines 11-39 and col. 18, lines 1-17);

coordinate component which determines the positioning of said component images on a coordinate system, said positioning being defined by (X,Y) coordinates (i.e. col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide a configuring component images as taught by Bornstein to the to the position images displaying of Miyao in order to display as many photo images associated with the file as possible in sizes that allow the user the to see and identify those photo images displayed on the display screen.

Regarding claim 18, Bornstein teaches a computer readable medium containing a data structure for storing location (i.e. coordinate) information on one or more component images of a configured product, wherein said data structure comprises:

a coordinate table, said coordinate table containing entries indicative of the (X,Y) coordinates for said component images, the coordinates specifying the positioning of the component images necessary to correctly make up the configured product. See col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to a coordinate table images as taught by Bornstein to the position images displaying of Miyao in order to display as many photo images associated with the file as possible in sizes that allow the user the to see and identify those photo images displayed on the display screen.

As claims 25-30 are analyzed as previously discussed with respected to claims 1-19 above.

Response to Arguments

Applicant's arguments filed on 07/20/05 have been fully considered but they are not persuasive.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

11/8/05